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INTERPRETIVE BULLETIN

Filing of Reports by Political Action Committees  
and Peoples Committees organized with OCPF which participate  
in Municipal Elections.

The Office of Campaign and Political Finance (OCPF) periodically issues interpretive bulletins regarding various aspects of M.G.L. c. 55, the Massachusetts campaign finance law. This bulletin was originally issued in 1983 and is being revised to reflect changes to the law affecting political action committees ("PACs") and people's committees.<sup>1</sup> See chapters 43 and 292 of the Acts of 1994, effective January 1, 1995.

M.G.L. c. 55, s. 5 states that:

Each political committee shall organize by filing with the director, or if organized for the purpose of a city or town election only, with the city or town clerk, a statement of organization (Emphasis added).

In accordance with section 5, all PACs must register with OCPF unless organized for the primary purpose of participating in municipal elections. In such a case, the PAC should register with the local election official.

Occasionally, a PAC registered and filing campaign finance reports with OCPF will make a contribution to, or an expenditure on behalf of, a municipal candidate. Similarly, a PAC registered and filing campaign finance reports and organized to support municipal candidates may make an occasional contribution to, or expenditure on behalf of, a legislative, county or other non-municipal candidate. Such activity has raised questions whether the PAC should file with OCPF, the local election official or both.

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1 A "PAC" may request status as a people's committee if all contributions have been limited to \$100 (indexed biennially) and are received only from individuals; the PAC has been in existence for at least six months and has contributed to at least five candidates. Although the bulletin refers to PACs, the requirements apply equally to people's committees.

Although OCPF has, prior to 1996, advised PACs making any contributions or expenditures for candidate at the state or county and municipal levels to file additional reports with OCPF or the local election official, such a requirement created unnecessary confusion and is not mandated by section 5 of the campaign finance law. The mere fact that a PAC, organized only for the purpose of a municipal election, makes an occasional contribution to a legislative candidate does not imply that the PAC is no longer organized for the primary purpose of a municipal election. Therefore, unless a PAC organized with OCPF makes more than an occasional contribution to a municipal candidate or a PAC organized with the local election official to support municipal candidates makes more than an occasional contribution to a non-municipal candidate, the PAC will not have any additional reporting requirements.

A PAC registered with OCPF or with a local election official which contemplates making more than an occasional contribution to, or expenditures on behalf of, municipal or non-municipal candidates, respectfully, may have additional reporting requirements and should contact OCPF for further guidance.

If you have any questions about this interpretive bulletin, please do not hesitate to contact this office.

  
Michael J. Sullivan, Director